

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOOSDAI JOHNS o/b/o DENITRA
MCCURN-HALL,

Plaintiff,

v.

Case No. 04-73927
Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on November 4, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On October 6, 2004, Plaintiff filed this lawsuit challenging a final decision of the Commissioner regarding Plaintiff's application for Supplement Social Security Income under Title XVI of the Social Security Act. On February 8, 2005, Plaintiff filed a motion for summary judgment. On March 29, 2005, Defendant filed a motion for summary judgment. This Court referred both motions to Magistrate Judge Steven D. Pepe.

On September 22, 2005, Magistrate Judge Pepe filed his Report and Recommendation (R&R) recommending that this Court grant Defendant's motion for

summary judgment and deny Plaintiff's motion for summary judgment. At the conclusion of the R&R, Magistrate Judge Pepe advised the parties that they may object and seek review of the R&R within ten days of service upon them. He further specifically advised the parties that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." R&R at 20 (*citing Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); and *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)).

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Pepe. Accordingly,

IT IS ORDERED, that Plaintiff's motion for summary judgment is **DENIED**;

IT IS FURTHER ORDERED, that Defendant's motion for summary judgment is **GRANTED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Barry F. Keller, Esq.
AUSA Janet Parker
Magistrate Judge Steven D. Pepe